

EXHIBIT 7

U.S. DOE SUPPLEMENTAL FACT SHEET



March 12, 2020

Fact Sheet:
Impact of COVID-19 on Assessments and Accountability
under the Elementary and Secondary Education Act

This fact sheet discusses the potential implications of novel coronavirus disease 2019 (COVID-19) on State assessment and accountability systems. This fact sheet also addresses other considerations regarding the use of Federal funds under the Elementary and Secondary Education Act of 1965, as amended (ESEA). We know that you are doing all in your power to support your districts and schools to ensure the health and well-being of students and educators. Like you, we are closely monitoring the situation around the country and will provide additional information as warranted. We encourage you to review information from the Centers for Disease Control and Prevention (CDC), which can be found on the U.S. Department of Education's (Department's) COVID-19 website at: <https://www.ed.gov/coronavirus>. In particular, the CDC has issued interim guidance to help K-12 schools and childcare programs plan for and prevent the spread of COVID-19 among students and staff. See *Interim Guidance for Administrators of US Childcare Programs and K-12 Schools to Plan, Prepare, and Respond to Coronavirus Disease 2019* available at: <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html>.

As you know, the ESEA requires each State to annually administer assessments in reading/language arts, mathematics, and science to all students in tested grades and to administer an annual assessment of English language proficiency to all English learners. The Individuals with Disabilities Education Act (IDEA) also requires that all students with disabilities be included in all general State and district-wide assessment programs, including assessments required under the ESEA. Under the ESEA, the results of the required assessments are combined with other indicators of a school's performance to produce a State's accountability determination for each public school. Spring is typically when most States administer their statewide assessments. As a result, we want to provide some general information for States and districts now. Importantly, we want you to know that the Department will work to support you during this situation and that you may reach out to us at any time to talk about individual situations.

Section 8401 of the ESEA (20 U.S.C. § 7861) permits the Secretary to grant waivers of certain ESEA requirements and, thus, allows the Department to provide some flexibility to schools, districts, and States that may be necessary due to the impact of COVID-19 on the provision of educational services. References to waivers in the paragraphs below refer to such 8401 waivers. Please note that States with Education Flexibility (Ed-Flex) program authority are not authorized to waive statutory or regulatory requirements related to standards, assessments, and accountability under section 1111 of the ESEA. The Department may, however, consider such waivers under the section 8401 waiver authority.

Assessments

The Department generally does not grant statewide waivers of assessment requirements under section 1111(b)(2) of the ESEA. The reason is that assessments provide important information to parents, educators, and the public about how well students are doing at mastering a State's content for each tested grade and subject. In cases where a school has been closed for a period of time, the assessment results still provide useful information about where individual students and groups of students will need support in the following school year. However, due to the unique circumstances that may arise as a result of COVID-19, such as a school closing during the entire testing window, it may not be feasible for a State to administer some or all of its assessments, in which case the Department would consider a targeted one-year waiver of the assessment requirements for those schools impacted by the extraordinary circumstances. States with schools that must close due to the COVID-19 may also want to consider whether it is possible to adjust or extend the testing window to accommodate as many students as possible, including students in schools that were closed for some period.

Accountability determinations

The ESEA affords each State the flexibility to design, within certain statutory parameters, an accountability system that best meets the needs of the State. Accordingly, impact from COVID-19 will affect each State's accountability system differently. If needed, the Department would consider a targeted one-year waiver of the requirement to identify a school for comprehensive or targeted support and improvement if the reason for the identification was related to the school being closed for a significant portion of the school year.

Accountability components

A State may be able to administer its assessments and may have data that it considers sufficient to produce accountability determinations but still require some flexibility around other components of its accountability system. Below we identify two areas that are most likely to be impacted by COVID-19, though we recognize that each State has a unique accountability system and that there may be other affected areas as well.

- 95 percent assessment participation rate
The ESEA requires that all students in the tested grades be assessed annually and requires that, when calculating the Academic Achievement indicator, the denominator be based on the number of students assessed in reading/language arts and mathematics or 95 percent of the student population, whichever is greater. We recognize that students may be absent during the test window, leading to a participation rate below 95 percent. In such a case, the Department would consider a targeted one-year waiver for an impacted school to not factor the participation rate into its Academic Achievement indicator.
- Chronic absenteeism
As noted above, a State has discretion in the design of its accountability system. One of the most common indicators that States have included in their accountability system is chronic absenteeism. This indicator is perhaps the most likely to be impacted by COVID-19 due to school closures or student absences. For this reason, the Department would consider a one-year waiver to exclude this indicator from a State's accountability system.

In addition to the potential impact on assessment and accountability systems, we recognize that districts could face challenges meeting certain ESEA fiscal requirements, such as: maintenance of effort; the requirement to obligate funds in the current Federal fiscal year for providing equitable services to eligible private school students, teachers, and families; and the limitation on carrying over no more than 15 percent of Title I, Part A funds. Should any of these issues or other topics be a concern, we encourage you to reach out to your contacts in the Department so that we can assist you. In addition, while this fact sheet focuses only on ESEA assessments and accountability, as earlier noted, the Department has created a website dedicated to COVID-19 information as it relates to many of our other programs at:

<https://www.ed.gov/coronavirus>. ED will regularly update this page as more information and resources become available.

If you or your staff have a question or concern about circumstances impacting your State or your districts and schools with regard to assessments; accountability; Title I, Part A fiscal issues; and other ESEA program concerns, please contact the Department at the following e-mail addresses.

- State-specific mailbox: [State].oese@ed.gov (e.g., Iowa.oese@ed.gov)
- Assessments: ESEA.Assessment@ed.gov
- Accountability and other Title I, Part A questions: OESE.titlei-a@ed.gov